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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,214	11/18/2003	Jeffrey W. Harms	GIL041/106830	4836

7590 09/07/2005
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EXAMINER
SELLS, JAMES D

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,214

Applicant(s)

HARMS, JEFFREY W.

Examiner

James Sells

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 10, 18 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17, 19-21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 10, 18 and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 16, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-17, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archie, Jr. et al (US Patent 6,562,171) in view of Gill (US Patent 6,397,451).

Archie discloses a method and apparatus for making a two-sided image. As shown in Figs. 1 and 2a-c, the system 10 comprises computer 12, printer 14, die cutter 16, adhesive applicator 17, and folder/cutter/sealer 18. Folder/cutter/sealer 18 includes creasing roll 85, conveying rollers 48, 50, 52 and 54, guide roller pairs 56, 58, 50, 62, 64 and 66 within folding section 68, sealing rollers 72 and cutter 75.

In operation, web 80 is printed with information by printer 14. An adhesive applicator (not shown) applies adhesive to area 84 on web 80 (see col. 5, lines 43-48).

Applicator roller 94 applies web 90 to web 80. Roller 85 creases the webs along crease line 97. Folding section 68 folds the webs along crease line 97 and sealing rollers 72 bond sections 98 and 99 together in the manner claimed by the applicant.

However, Archie does not disclose the yard sign materials or ultrasonic bonding as claimed by the applicant. Regarding these differences, the applicant is directed to the reference of Gill.

Gill discloses a method for manufacturing a yard sign. As shown in Figs. 2-5, yard sign sheeting 10 is provided with adhesive covered raised sections 54a on one side and printing on the other. The sheeting is folded and ultrasonic energy is applied (see col. 3, lines 60-66) to bond sections 54a together in the manner claimed by the applicant. Figs. 9-10 show a stick-mounted sign in which stick 124 is inserted in pocket 118.

It would have been obvious to one having ordinary skill in the art to employ yard sign material (including the support member and opening to receive the support member), as taught by Gill, in the method and apparatus of Archie as a matter of design choice based on desired characteristics of the articles being manufactured. In addition, it would have been obvious to one having ordinary skill in the art to employ ultrasonic welding, as taught by Gill, in the method and apparatus of Archie in order to facilitate manufacture of the signs.

Regarding claims 2-5, 12-14, and 23-24, it is the examiner's position that the specific coatings (i.e. polyethylene) and printing technique (i.e. screen printing UV curable ink and UV curing the ink) are well known and conventional in the art and would

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have been obvious to employ in the above-described method and apparatus based upon desired physical properties of the materials employed.

Regarding claims 9, 16-17, and 26, it is the examiner's position that employing pairs of ultrasonic horns to weld opposed edges of sheet materials is well known and conventional in the art. Therefore it would have been obvious to one having ordinary skill in the art to employ a pair of ultrasonic horns in the method and apparatus of Archie in view of Gill as described above in order to facilitate welding of the materials.

4. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archie, Jr. et al (US Patent 6,562,171) in view of Gill (US Patent 6,397,451) as described above in paragraph 3 in further view of Query (US Patent 5,937,555).

Query discloses a laminated thermoplastic ward sign. As shown in the figures, the sign comprises first and second sides 26 and 28, inner sheet 32, and first and second legs 18 and 20. At col. 2, lines 20-27, Query discloses that the different sheets may be made of thermoplastic material. At col. 2, lines 28-38, Query discloses that the thickness of the respective materials can vary depending upon desired rigidity and aesthetic appearance.

It would have been obvious to one having ordinary skill in the art to employ a coating, which is thicker on the image side than the inner side in the method and apparatus of Archie because Query discloses that the thickness of the respective materials can vary depending upon desired rigidity and aesthetic appearance.

Response to Arguments

5. Applicant's arguments filed June 16, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner has provided motivation in the knowledge generally available to one of ordinary skill in the art. As stated above, it would have been obvious to one having ordinary skill in the art to employ yard sign material (including the support member and opening to receive the support member), as taught by Gill, in the method and apparatus of Archie as a matter of design choice based on desired characteristics of the articles being manufactured.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Telephone/Fax

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday between 9:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

A handwritten signature in black ink, appearing to read 'J. Sells', with a horizontal line drawn underneath it.

**JAMES SELLS
PRIMARY EXAMINER
TECH. CENTER 1700**